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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

JOSEPH CORSALE, JR.,

Plaintiff.

VS.

CIVIL NO. 1:08-cv-572 (GTS/RFT)

DELAWARE & HUDSON RAILWAY COMPANY, INC,

Defendant.

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

The Court having been advised by counsel that the parties in this action have

entered into an agreement in settlement of all claims in this action, and that they

reasonably anticipate finalizing their agreement shortly, following which this action will be

discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules

of Civil Procedure. Counsel has also advised that no infant or incompetent is a party to this

action. Based upon this development, I find that it is not necessary for this action to remain

on the calendar of the Court. It is therefore hereby

ORDERED that this action is **DISMISSED** in its entirety without prejudice pursuant

to the procedure as set forth in L.R. 68.2(a) of the Local Rules of this court. This judgment

is issued without prejudice to the right of the parties to secure reinstatement of the case

within sixty (60) days after the date of this judgment by making a showing that the

settlement was not, in fact, consummated; and in the event that no request is made for

reinstatement within sixty (60) days of the date of this judgment, the dismissal of this case

shall thereafter be with prejudice; and it is further

Dated: March 7, 2011

Syracuse, New York

Hon. Glenn T. Suddaby

U.S. District Judge